



DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494
Phone: 209.525.6700 Fax: 209.525.6774

June 6, 2017

Jehovah's Witness Congregation, Inc.
3805 Moana Way
Modesto, CA 95355

TRANSMITTAL OF CITATION NO. DER-17C-001 FOR TCR MCL FAILURE

The Jehovah's Witness Sierra Vista Water System violated the Maximum Contamination Level (MCL) for total coliform bacteria during the month of December 2016, as specified in the Domestic Water Quality a Monitoring Regulation, Chapter 15, Title 22, California Code of Regulations. The Stanislaus County Department of Environmental Resources has issued Citation No. DER-17C-001 in response to this violation. The citation is being transmitted to the Jehovah's Witness Sierra Vista Water System under cover of this letter. Please respond to each item of the Directives by the deadlines established in the citation.

Section 116650(d) and Section 116650(e) of the California Health and Safety Code allow for the assessment of a civil penalty for failure to comply with the requirements of Chapter 4 of the California Safe Drinking Water Act. Stanislaus County Ordinance provides that fees must be charged for staff time in responding to MCL violations. The fee charged is the Department's weighted labor rate of \$106.00 per hour, with a one-hour minimum. To date, 3.0 hours have been spent responding to the MCL violation. This Department will invoice you.

If you have any questions regarding this matter, please contact Rachel Riess at (209) 525-6720.

Sincerely,

Kristina Barlan, REHS
Registered Environmental Health Specialist

Enclosure (1)

STANISLAUS COUNTY
DEPARTMENT OF ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL HEALTH

TO: Jehovah's Witness Sierra Vista Congregation
4940 Claus Rd.
Modesto, CA 95357

Attn: Sierra Vista Congregation, Inc.
Richard Marmon, Alternate Chairman Operation

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTION 64426.1 (b)
TOTAL COLIFORM RULE VIOLATION
WATER SYSTEM NO. 5000493
C I T A T I O N N O . D E R - 1 7 C - 0 0 1
Issued on June 6, 2017**

The Department of Environmental Resources (hereinafter "Department"), acting by and through its Division of Environmental Health (hereinafter "Division") and the Manager for the Division (hereinafter "Manager"), hereby issues this Citation (hereinafter "Citation") pursuant to Sections 116330 (f) and 116650 of the California Health and Safety Code (hereinafter "CHSC") to the Jehovah's Witness Sierra Vista Congregation (hereinafter, "Sierra Vista") for violation of Title 22, California Code of Regulations (CCR), Section 64426.1 (b).

APPLICABLE AUTHORITIES

Section 116650 of California Health and Safety Code provides:

(a) If the Division determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the Division may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The Division may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

California Code of Regulations, Title 22, Section 64426.1, subsection (b) provides, in relevant part:

(b) A public water system is in violation of the total coliform Maximum Contaminant Level ("total coliform MCL") when any of the following occurs:

1 (2) For a public water system which collects fewer than 40 samples per month,
2 more than one sample collected during any month is total coliform-positive; or

3 (3) Any repeat sample is fecal coliform-positive or E.coli-positive; or

4 (4) Any repeat sample following a fecal coliform-positive or E.coli-positive
5 routine sample is total coliform-positive.

6
7 **STATEMENT OF FACTS**

8 Sierra Vista is operated under Water Supply Permit No. 95-12-44, which was issued
9 on November 27, 1995.

10
11 Sierra Vista water system is located in Stanislaus County along Claus Road,
12 approximately half of a mile south of the City of Riverbank. Sierra Vista's service area
13 is approximately 6.97 acres in size.

14
15 Sierra Vista's water system is classified as a transient noncommunity water system
16 that serves the visitors of the gathering hall. According to records on file with this
17 Division, Sierra Vista serves approximately 500 people through three service
18 connections. All three of these service connections are metered. The water system
19 obtains its water supply from one active well located on Sierra Vista property.

20
21 The well discharges to two 85-gallon pressure/storage tanks, prior to entering the
22 domestic water system. Irrigation demands are provided by this well and are supplied
23 by a separate dedicated irrigation well/backflow prevention device.

24
25 With a population of 500, the Sierra Vista water system is required to have one
26 sample examined for bacteriological quality every month from its distribution system.

1 The Sierra Vista's contract laboratory, Farwest Laboratories, utilizes the testing
2 Colilert method for bacteriological analyses.

3
4 Specifically, on December 1, 2016, the Sierra Vista water system collected one
5 routine sample for bacteriological quality from the designated site in the distribution
6 system. This sample, collected from BLD. B WESTSIDE HB, tested positive for total
7 coliform bacteria. The samples were negative for E.coli coliform bacteria.

8
9 On December 3, 2016, the Sierra Vista water system collected four repeat samples
10 (one sample each from the routine coliform positive sample location, the downstream
11 locations, the upstream locations and the well head). Three of the repeat samples
12 tested positive for total coliforms and none were E.coli coliform positive.

13 14 **DETERMINATION**

15 The Division has determined that Sierra Vista failed to comply with the requirements
16 of Section 64426.1 (b) due to the fact that Sierra Vista had more than one sample
17 during the month of, December 2016 that was total coliform-positive. Therefore,
18 Sierra Vista is in violation of Section 64426.1 (b) of the California Code of
19 Regulations.

20 21 **DIRECTIVES**

22 Sierra Vista is hereby directed to take the following actions:

- 23
24 1. By December 13, 2016, notify the consumers served by the Sierra Vista of the
25 bacteriological quality (Total Coliform Rule) failure in conformance with Section
26 64464.3(a)(1), Title 22, CCR. The notification shall be provided in accordance
27 with the following:
28

1 a. Provide written notice of the bacteriological water quality MCL violation
2 by mail or by direct hand delivery to every customer and by publication
3 of notice in a newspaper of general circulation in the area served by
4 Sierra Vista. The notice shall be published and delivered once, no later
5 than the above mentioned date.

6 This notification shall be given in English. In addition, if the Sierra Vista
7 water system serves a large proportion of other non-English speaking
8 consumers, notices must contain some information in the appropriate
9 language(s) on the importance of the notice as provided in the
10 Department's guidance for the Consumer Confidence Report.

11 b. The contents of the notice, including the mandatory language, shall be
12 approved by the Department prior to publication and delivery.

13 A sample notification form that can be used to satisfy the public
14 notification requirement has already been provided to Richard Marmon
15 and Allen Wollin by e-mail.

16
17 2. By January 6, 2017, perform an investigation to determine the cause of possible
18 significant rise in bacterial count in the Sierra Vista distribution system during the
19 month of December 2016. A report of the investigation shall also be prepared in
20 accordance with Section 64426 (b)(2), Title 22, CCR, and submitted to the
21 Department by the above date. A form that should be used to meet this
22 requirement also has already been sent to Richard Marmon and Allen Wollin by
23 e-mail.

24
25 The Division reserves the right to make such modifications to this Citation as it may
26 deem necessary to protect public health and safety. Such modifications may be
27 issued as amendments to this Citation, and shall be deemed effective upon issuance.

28

1 Nothing in this Citation relieves Sierra Vista of its obligation to meet the requirements
2 of the California Safe Drinking Water Act, or of any regulation, permit, standard, or
3 order issued or adopted thereunder.

4
5 All submittals required by this Citation shall be submitted to the Division at the
6 following address:

7
8 Kristina Barlan REHS
9 Department of Environmental Resources
10 3800 Cornucopia Way, Suite C
11 Modesto, CA 95358
12

13 **PARTIES BOUND**

14 This Citation shall apply to and be binding upon Sierra Vista, its officers, directors,
15 shareholders, agents, employees, contractors, successors, and assignees.
16

17 **SEVERABILITY**

18 The Directives of this Citation are severable, and Sierra Vista shall comply with each
19 and every provision thereof, notwithstanding the effectiveness of any other provision.
20

21 **FURTHER ENFORCEMENT ACTION**

22 The California SDWA authorizes the Department to: issue citation with assessment of
23 administrative penalties to a public water system for violation or continued violation of
24 the requirements of the California SDWA or any permit, regulation, permit or order
25 issued or adopted thereunder including, but not limited to, failure to correct a violation
26 identified in a citation or compliance order. The California SDWA also authorizes the
27 Board to take action to suspend or revoke a permit that has been issued to a public
28 water system if the system has violated applicable law or regulations or has failed to

1 comply with an order of the Department; and to petition the superior court to take
2 various enforcement measures against a public water system that has failed to
3 comply with violates an order of the Department. The Department does not waive any
4 further enforcement action by issuance of this citation.

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10 Date

6/6/17

Rachel Riess

Rachel Riess, REHS
Senior Environmental Health Specialist
Division of Environmental Health
Department of Environmental Resources
Stanislaus County

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15 Attachments:

- 16 1. Public Notification
17 2. Proof of Notification Form
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19 Certified Mail No. 7014 3490 0001 6851 3277